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Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20 -250
Regulation title	Regulations Relating to Property & Surety Bail Bondsmen
Action title	Property & Surety Bail Bondsmen Regulations (New)
Document preparation date	May 10, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the Board; procedures for conducting investigations; issuing disciplinary action; and revoking, suspending, refusing to renew a licensure, and provide an appeal process pursuant to the administrative process act.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority to regulate property and surety bail bondsmen is found in § 9.1-102 (47) of the Virginia Code, effective July 1, 2005, authorizes the Department, under the direction of the Board to "license and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et

seq) of this chapter”. The Board shall adopt regulations that are necessary to ensure respectable, responsible, safe and effective bail bonding within the Commonwealth pursuant to §9.1-185.2. The Office of the Attorney General has certified that the department has the statutory authority to adopt regulations pursuant to the Code of Virginia § 2.2-4011(A)(ii).

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

To promulgate the regulations for property and surety bail bondsmen. The regulation establishes a licensure process to include a fingerprint based background check, licensure fees, compulsory minimum entry-level training standards, and administration of the regulatory system. It authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the Board, to conduct investigations, to issue disciplinary action, and to revoke, to suspend, and to refuse to renew a license. These procedures are established ensure respectable, responsible, safe and effective bail bonding in the Commonwealth.

A public hearing will be held during the promulgation process, participation from individuals will be strongly encouraged.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

The regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the Board; procedures for conducting investigations; issuing disciplinary action; and revoking, suspending, refusing to renew a licensure, and provide an appeal process pursuant to the administrative process act.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The primary advantage of incorporating the changes presented in the proposed regulations is to continue to provide necessary public protection tasked through existing statutes. The main purposes of the

amendments are to first and foremost provide a clearer set of regulations to use and understand thereby facilitating compliance.

Some of the issues addressed pertain to increasing training standards to afford further protection by ensuring that those performing the duties of bail bonding and fugitive recovery maintain the appropriate proficiency, knowledge and skills needed in the performance of these duties. In addition, standards, restrictions and requirements for solicitation, uniforms and identification where clarified as required by statute.

There are no disadvantages to the public or the agency.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	The project code is 70080: As a special fund agency, the Private Security Services Section of DCJS must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to bail bondsmen for necessary functions of regulations. On-going expenditures for the agency are related to compliance and enforcement as required under the law. These include processing of monthly property bondsmen bond reports, conducting investigations and audits to ensure compliance of the Code and Regulations as well as the implementation and maintenance of a technical licensure database system.
Projected cost of the regulation on localities	None
Description of the individuals, businesses or other entities likely to be affected by the regulation	Property and Surety Bail Bondsmen
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are currently 378 licensed bail bondsmen. Of those licensed, 118 are categorized as property bail bondsmen.
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	Bail bondsmen should not incur any additional fees as long as they maintain compliance with the Code and Regulations.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

There are no alternatives to the proposed regulatory action.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Please see Attachment A

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The regulations indirectly impacts the family by providing a regulatory requirement that ensures respectable, responsible, safe and effective bail bonding within the Commonwealth. This regulatory action will result in verifying the qualifications of the individuals providing bail-bonding services through criminal history records checks and training, to ensure competency and prevent deceptive or misleading practices towards the family unit.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6 VAC 20-250-10		Delete definitions	Delete the definition for Combat Loading, Employing bail bondsman, Employee bail bondsman and on-duty.

6VAC 20-250-10		Clarify Definition of Agent	Add: “Agent <u>bail bondsman</u> ” means a licensed <u>property</u> bail bondsman who is in the employment of another licensed <u>property</u> bail bondsman <u>whose collateral requirement is met by the principal bail bondsman pursuant to 9.1-185.5.</u>
		Add Definitions	Add: “Bail” means the pretrial release of a person from custody upon those terms and conditions specified by order of an appropriate judicial officer. “Bond” means the posting by a person or his surety of a written promise to pay a specific sum, secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure performance of the terms and conditions contained in the recognizance. “Principal Bail Bondsman” – a licensed property bail bondsman who provides the collateral requirements for any agent bail bondsmen in his employment. “Recognizance” means a signed commitment by a person to appear in court as directed and to adhere to any other terms ordered by an appropriate judicial officer as a condition of bail.
6 VAC 20-250-20 Fees		FEES: Initial bail bondsman license \$ 900.00 Bail bondsman license renewal (Bi-annually) \$ 900.00 Firearms endorsement (Annually) \$ 10.00 Fingerprint card processing \$ 50.00 Replacement photo identification \$ 15.00 Partial Training Exemption \$ 25.00	Change: Bail bondsman License Application (Initial/Renewal) \$ 900.00 <u>Licensure Category fee:</u> Surety \$100.00 Property (Agent) \$100.00 Property (Principal) \$250.00 Firearm endorsement (Annually) \$ 30.00 Fingerprint card processing \$ 60.00 <u>Reinstatement \$ 250.00</u> Replacement photo identification \$ 30.00 <u>Alternative In-Service Training Credit \$ 50.00</u> <i>As a special fund agency, the Private Security Services Section of DCJS must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to bail bondsmen for necessary functions of regulations. On-going expenditures for the agency are related to compliance and enforcement as required under the law. The fees collected since the implementation of the regulations are not sufficient to support the program. The changes reflect an <u>additional category fee for the type of bondsman license being applied for, a reinstatement fee allows for a surety bail</u></i>

			<i>bondsman to reinstate his license due to the license becoming null and void based on termination and reinstatement of property and casualty license with State Corporation Commission. <u>The fees for firearm endorsement, fingerprint processing and replacement photo ID, have been increased and the fee for alternative in-service training credit has been included.</u></i>
6 VAC 20-250-30		Restructure number A4 and A5 with slight modification.	<p>Changed 5 to 4 and removed firearm endorsement (a firearm endorsement is not required to obtain a bail bondsman license), it is a separate credential.</p> <p>Changed: new section A.5 to read: Have successfully completed the bail bondsman exam required by the Board at a certified or licensed private security services training school with a minimum passing grade of 70%. <i>The sentence referencing the exam required by the SCC has been removed and is specified in the Code. If these regulations are adopted, there should not be any bondsman who will be able to utilize the exam previously provided through the SCC.</i></p>
6 VAC 20-250-30 B 2		Change for clarification	Add <u>Persons who are an</u> before the word Employee at the beginning of the sentence.
6 VAC 20-250-40 A1		This section allows for bondsman to utilize the bondsman exam provided by the SCC.	Delete: this from the regulations. There should not be any bondsman who will be able to utilize the exam that has been discontinued as of July 1, 2005. This sentence still remains in the Code of Virginia.
6 VAC 20-250-40 A5		Requires application processing fee	Add: and appropriate category fee
6 VAC 20-250-40 A	6 VAC20-250-40 A7	New sentence	Add: Provide the legal entity name, all fictitious names and physical address of all companies under which he carries out his bail bonding business. <i>This was left out of the emergency regs in error and is needed in order to meet the requirements of 9.1-185.17 of the Code of Virginia.</i>
6 VAC 20-250-40 C	6 VAC20-250 D	Renumbered due to additional sentence being submitted under 40C	Add for clarification: A property bail bondsman license will not be issued if the true market value of the equity in his collateral of real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof does not meet or exceed \$200,000.00
6 VAC 20-250-40 B	6 VAC 20-250-40 C5	Initial Bail Bondsman License Application	<p><i>Add sentence of additional requirement for principal property bail bondsmen providing collateral not in their name</i></p> <p>Add: Each principal property bail bondsman applicant shall submit signed documentation authorizing special power of attorney for the purpose of bonding on any collateral provided for licensure that is not in the sole ownership of the applicant.</p>
6 VAC 20-250-40 B	6 VAC 20-250-40 C6	Initial Bail Bondsman License Application	<i>Add sentence of additional requirement for agent property bail bondsmen providing collateral not</i>

			<i>in their name</i> Add: Each agent property bail bondsman applicant shall submit signed documentation authorizing special power of attorney for the purpose of bonding on any collateral provided for licensure by the principal bail bondsman.
6 VAC 20-250-40 C	6 VAC 20-250-40 D2-3	Move sentence for clarification	Move the last sentence of number 2 to the beginning of number 3 for clarification.
6 VAC 20-250-80 – 6 VAC 20-250-360	6 VAC 20-250-80 – 6 VAC 20-250-380	Renumbered due to insertion of a new sentence for 6 VAC 20-250-80	Add additional category application requirements.
6 VAC 20-250-80	6 VAC 20-250-90	Firearm Endorsement	Renumbered
6 VAC 20-250-90	6 VAC 20-250-100	License Renewal Application	Renumbered
6 VAC 20-250-90 C3	6 VAC 20-250-100 C3	Submittal of the license renewal fee	Add: and appropriate category fee
6 VAC-20-250-100	6 VAC 20-250-110	License Termination	Renumbered
6 VAC-250-20-100	6 VAC 20-250-110 B	License Termination	Add reinstatement requirement: A surety bail bondsman may apply for reinstatement of the terminated license no more then 120 days from termination with the appropriate reinstatement application and non-refundable fees. After 120 days application for a bail bondsman license shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.
6 VAC 20-250-110	6 VAC 20-250-120	Replacement state issued identification	Renumbered
6 VAC 20-250-120	6 VAC 20-250-130	Entry-level training	Renumbered
6 VAC 20-250-120 A-D	6 VAC 20-250-130 A-E	Entry Level training renumbered due to adding new sentence for B	Add: B. Training must be completed at a private security services training school certified or licensed by the Department.
6 VAC 20-250-120 C	6 VAC 20-250-130 D	Hour Requirement: Increase training from 24 hours to 40 hours. Core Subjects: Change Course Content as follows: Section III. Fugitive Recovery to 24 hours . Add the following under Section III. Fugitive Recovery D. Investigative Techniques E. Recovery Procedures F. Agent Survival	Change A. Hour requirement. The compulsory minimum entry level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be: 1. Bail Bondsman Core Training -- 40 hours 2. Firearms Training -- 14 hours B. Course content. The compulsory minimum entry level training course content by category, excluding examinations, mandated practical exercises and range qualification, shall be as provided in this subsection. Core subjects. The entry-level curriculum set forth the following areas identified as: III. Fugitive Recovery - 24 hours plus one

		<p>G. Apprehension of a Fugitive</p> <p>Edit Section V Responsibilities of Bondsman and Remanding to Custody.</p>	<p>practical exercise.</p> <p>D. <u>Investigative Techniques</u></p> <ol style="list-style-type: none"> 1. <u>Surveillance</u> 2. <u>Court Research</u> 3. <u>Law Enforcement Coordination</u> 4. <u>Interviewing</u> 5. <u>Impersonation and Misrepresentation</u> 6. <u>Reference Materials and Resource List</u> 7. <u>Skip Tracing Techniques</u> 8. <u>Fugitive Identification</u> <p>E. <u>Recovery Procedures</u></p> <ol style="list-style-type: none"> 1. <u>Pursuit</u> <ol style="list-style-type: none"> a. <u>Foot</u> b. <u>Vehicular</u> c. <u>Other</u> 2. <u>Entry and Search</u> 3. <u>Perimeter/ Interior Room Control</u> <p>F. <u>Agent Survival</u></p> <ol style="list-style-type: none"> 1. <u>Confrontation Management</u> 2. <u>Use of Force</u> 3. <u>Deadly Force</u> 4. <u>Escalation of Force</u> 5. <u>Emergency Procedures</u> <p>G. <u>Apprehension of a Fugitive</u></p> <ol style="list-style-type: none"> 1. <u>Compliant versus Non-compliant Procedures</u> 2. <u>Search of Person</u> <ol style="list-style-type: none"> a. <u>Personal Items</u> b. <u>Seizure of Contraband</u> 3. <u>Handcuffing Techniques</u> 4. <u>Rights of the Accused</u> 5. <u>Detainment and Transportation</u> 6. <u>Interstate Transport</u> 7. <u>False Arrest</u> <p>V. <u>Responsibilities of Bondsman and Remanding To Custody: 2 hours + 1 practical exercise</u></p> <ol style="list-style-type: none"> A. <u>Recovery in Virginia</u> B. <u>Recovery out of Virginia; Uniform Extradition Act</u> C. <u>International recovery</u> D. <u>Legal Detainment Facilities</u> E. <u>Entering the Jail or Sally Port</u> F. <u>Signing the Bail piece / Return to Court</u> G. <u>Hospital Procedures for Injuries</u>
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			I. Written Examination Total hours (excluding exam) – 40 hours
6 VAC 20-250-130	6 VAC 20-250-140	In-Service Training	Renumbered
6 VAC 20-250-130 A.	6 VAC 20-250-140 A	Add last sentence to first paragraph	Add A. Each person licensed with the Department as a bail bondsman shall complete the compulsory in-service training standards within the last 12 months preceding the expiration date of licensure. <u>If in-service training is not completed by the expiration date of licensure, entry-level training will be required pursuant to initial licensure requirements pursuant to 6VAC 20-250-40.</u>
6 VAC 20-250-150		Insert new text	Add: In Service Alternative Training Credit requirements.
6 VAC 20-250-140	6 VAC 20-250-160	Training Extension	Renumbered
6 VAC 20-250-140	6 VAC 20-250-160 E	Training Extension	Add: E.Approved extensions may only be granted for a period not to exceed 12 months.
6 VAC 20-250-150	6 VAC 20-250-170	General Firearms training requirements	Renumber and delete the word immediate from the sentence.
6 VAC 20-250-160	6 VAC 20-250-180	Entry –Level handgun training	Renumber and change section title to <u>Firearms (handgun/shotgun) Entry-level training.</u>
6 VAC 20-250-160	6 VAC 20-250-180	Remove specific entry-level firearms course and simplify requirements by adding different language referring to Private Security Services Regulations.	Add: All armed bail bondsmen must satisfactorily complete the firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services of the Administrative Code of Virginia for handgun and for shotgun, if applicable, prior to the issuance of the Firearms Endorsement.
6 VAC 20-250-170		Entry-level shotgun training	Delete
6 VAC 20-250-180	6 VAC 20-250-190	Firearms (handgun/shotgun) retraining	Renumber
6 VAC 20-250-180	6 VAC 20-250-190	Remove specific re-training firearms course and simplify requirements by adding different language	Add: On an annual basis all armed bail bondsman must requalify for a firearms Endorsement by satisfactorily completing firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services of the Administrative Code of Virginia for handgun and for shotgun, if applicable.
6 VAC 20-250-190	6 VAC 20-250-200	Prior firearms training exemption	Renumbered
	ARTICLE 3		Add Article 3. Training Sessions
	6 VAC 20-250-210	Add training Session Requirements	Add Section: This section provides the Administrative requirements, Attendance, and

			Standards of Conduct in reference to any training sessions mandated by the regulations.
6 VAC 20-250-200	6 VAC 20-250-220	Record Keeping Standards	Renumbered
6 VAC 20-250-200 A	6 VAC 20-250-220 A1	Add sentence	Add: 1. Copies of recognizance, documentary evidence of terms of agreement between principal, indeminator and licensed bail bondsman.
6 VAC 20-250-200 A1-4	6 VAC 20-250-220 A 1-4	Record Keeping Standards	Renumbered
6 VAC 20-250-200 A	6 VAC 20-250-220 A5	Add sentence	Add: 5. Copies of all written documentation in connection with the recovery of a bailee pursuant to 6 VAC 20-250-270
6 VAC 20-250-210	6 VAC 20-250-230	Reporting Requirements	Renumbered
6 VAC 20-250-210	6 VAC 20-250-230 B	Add arrest or to sentence	Change: Each licensed bail bondsman <u>arrested or</u> convicted of a felony shall report within 30 calendar days to the Department the facts and circumstances regarding the <u>arrest or</u> criminal conviction.
6 VAC 20-250-210	6 VAC 20-250-230 F	Add the word principal before property	Change: Each licensed <u>principal</u> property bail bondsman.
6 VAC 20-250-210	6 VAC 20-250-230 G	Add sentence	Add: G. Each licensed agent bail bondsman shall report to the Department any change in his employment within seven days of such change.
6 VAC 20-250-210 G-H	6 VAC 20-250-230 H-I		Renumbered
6 VAC 20-250-220	6 VAC 20-250-240	General Requirements	Renumbered
6 VAC 20-250-230	6 VAC 20-250-250	Professional conduct standards; grounds for disciplinary actions	Renumbered
6 VAC 20-250-230	6 VAC 20-250-250 C	Edit C to include license number	Change: A licensed bail bondsman shall ensure that each recognizance on all bonds for which he signs shall contain his name, <u>license number</u> and contact information.
6 VAC 20-250-230	6 VAC 20-250-250 D	Add D. increasing requirements for surety bail bondsman on recognizance	Add: D. A surety bail bondsman shall in addition ensure that each recognizance for which he signs contains the contact information for both the surety agent and the registered agent of the issuing company.
6 VAC 20-250-230	6 VAC 20-250-250 E	Edit to add and must be disclosed in writing after the word costs.	Change: E. An administrative fee may be charged by a bail bondsman, not to exceed reasonable costs <u>and must be disclosed in writing</u> . Reasonable costs may include, but are not limited to, travel, court time, recovery fees, phone expenses, administrative overhead and postage.
6 VAC 20-250-230 D-F	6 VAC 20-250-250 E-G		Renumbered
6 VAC 20-250-230	6 VAC 20-250-250 H	Add H.	Add: H. A surety bail bondsman shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.
6 VAC 20-250-230 G, H	6 VAC 20-250-250 H, I		Renumbered

6 VAC 20-250-230	6 VAC 20-250-250K	Add K.	Add: K. A licensed bail bondsman shall disclose in writing to the indeminator if the bail bondsman has the knowledge that the bailee is being held in multiple jurisdictions.
6 VAC 20-250-240	6 VAC 20-250-260	Solicitation of business	Renumbered
6 VAC 20-250-240 B. 1	6 VAC 20-250-260 B1	Edit to read	Change: Solicit bail bond business <u>or have any person solicit on his behalf</u> by directly initiating contact with any person in any court, jail, lock-up, or surrounding government property.
6 VAC-250-240 B	6 VAC 20-250-260 B 2	Add sentence	Add: 2. Leave any type of advertising material in any court, jail, lock-up or surrounding government property.
6 VAC 20-250-240 B2	6 VAC 20-250-260 3		Renumbered
6 VAC-250-240 B	6 VAC 20-250-260 B 4	Add sentence	Add: 4. Communicate with any inmate without first notifying the sheriff or jailor of their intent to communicate with such inmate.
6 VAC 20-250-240 B 3	6 VAC 20-250-260 B5		Renumbered
6 VAC 20-250-250	6 VAC 20-250-270	Recovery of bailees	Renumbered
6 VAC-250-250	6 VAC 20-250-270 E.	Add sentence	Add: E. A bail bondsman shall adhere to the recovery requirements pursuant to 19.2.149 of the Code of Virginia.
6 VAC-250-250	6 VAC 20-250-270 F	Add sentence	Add: F. A bail bondsman must complete and maintain the information on the recovery of a bailee on a form prescribed by the Department.
6 VAC 20-250-260	6 VAC 20-250-280	Collateral received in the course of business	Renumbered
6 VAC 20-250-270	6 VAC 20-250-290	Uniforms and identification	Renumbered
6 VAC 20-250-270	6 VAC 20-250-290 A 1	Add additional requirement	Add: 1. A bail bondsman is required to visibly display on his outermost clothing, the photo identification license issued by the Department at all times while on legitimate bail bonding business on government property.
6 VAC 20-250-270	6 VAC 20-250-290 A 1	Add additional requirement	Add: 2. A bail bondsman may display only his name and name of his company on the front of his shirt or jacket on government property as long as the insignia or emblem is no larger then 3 x 5 inches in its entirety.
6 VAC 20-250-280	6 VAC 20-250-300	Submittal requirements	Renumbered
6 VAC 20-250-290	6 VAC 20-250-310	Department investigation	Renumbered
6 VAC 20-250-300	6 VAC 20-250-320	Disciplinary action	Renumbered
6 VAC 20-250-310	6 VAC 20-250-330	Fines, administrative and investigative costs	Renumbered
6 VAC 20-250-320	6 VAC 20-250-340	Hearing Process	Renumbered
6 VAC 20-250-330	6 VAC 20-250-350	Informal fact-finding conference	Renumbered

6 VAC 20-250-340	6 VAC 20-250-360	Formal hearing	Renumbered
6 VAC 20-250-350	6 VAC 20-250-370	Appeals	Renumbered
6 VAC 20-250-360	6 VAC 20-250-380	Court review; appeal of final agency order	Renumbered

ATTACHMENT A:

**SUMMARY MATRIX OF COMMENTS AND RECOMMENDATIONS REGARDING
NOTICE OF INTENDEND REGULATORY ACTION (NOIRA) AND DRAFT
REGULATIONS RELATING TO PROPERTY AND SURETY BAIL BONDSMEN**

*Comments from NOIRA public comment period are shaded.

Regulation Site	Commenter	Comment	Agency Response
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		<i>Comments/Issues/Recommendations</i>	
	David Payne PBVA	False or Misleading Advertising: tactics are being used to trick the public into believing that they have reduced rates when in fact they do not.	The agency believes it is properly covered under 250-250 B1
	David Payne PBVA	Apprenticeship Program: Consideration should be given to an apprenticeship program as a part of the Core Requirements, (giving DCJS further justification for not increasing the core class from 25 hours) modeling those of North Carolina and proposed legislation in South Carolina.	The VA Crime Commission did a two-year study and did not feel the necessity of an apprenticeship program. The agency believes that the training requirements are adequate to ensure preparation for working in the bonding industry.
	Robert McMillan	How are local bondsman identified on the DCJS list the jails don't use?	The Department provides a list of all licensed bondsman pursuant to 9.1-185.17. Jails are not under our authority
	James Dusky JB's Bail Bonds, Inc.	Should the bondsman's 99# be required on cards and contracts and ads, like the rest of private security? How about requiring a compliance agent for companies?	Agree – The agency believes that the license number should be placed on business cards and contracts.
	James Dusky JB's Bail Bonds, Inc.	Repeal 9.1-185.9#2 Loitering by jail/magistrates office.	Would require legislative change.
	Clyde Sparks Busthead, Inc.	Copies of the Regulations should be sent to all police entities, courts, VA Commonwealth Attorneys and all other concerned government entities. Classes should be held around the state of VA educating all of the aforementioned listed pertaining to these regulations. Police academies should include the Private Security Code and/or regulations.	The agency provides information by website and will provide training to other entities upon request.
	Clyde Sparks Busthead, Inc.	Bail bondsmen prior to conducting a bail bond should and/or must have access to defendant information maintained by the incarcerating authorities (jails, police etc.) pertaining to identification, addresses, SSN and other.	Not applicable to the regulations. Not within our authority.
	Clyde Sparks Busthead, Inc.	The VA DCJS should coordinate and provide a periodical list of bail bondsmen qualified to conduct bail bonds in a certain and/or jail to each jail. Each jail should post in alphabetical order this said list to all incarcerated defendants. The list should be posted and maintained in each area of the said jails where phones can be and/or are used or available to use. These jails should provide to the DCJS that this requirement has been met.	Not applicable to the regulations and not within our authority.
	Clyde Sparks Busthead, Inc.	The code pertaining to VA Bail Bondsmen requires 10% of the set bail bond to be charged as a fee and/or premium to the defendant for conducting a bail. A proposal would be to raise the 10% to 15% in order to allow the bail bondsmen to be compensated in part for these expenses (DCJS fees, cost/expense operating a bail bonds business.)	Not applicable to our authority, is under the authority of the Va. State Corporation Commission, Bureau of Insurance.

	Jason Wooldridge Allstate Bonding, LLC	An unbiased third party agency should be created to regulate the actions of the Bondsmen, the Magistrates and local law enforcement at the jails.	Not applicable to regulations.
	August Spillers	The jails providing a printout to DCJS of all collect phone calls made during the month.	Not applicable to regulations and not within our authority.
	August Spillers	Strict enforcement of the 10% price rule. Some bondsman suborned this by establishing a down payment and setting a payment plan. The balance is not paid.	Falls under the authority of the Bureau of Insurance.
	Joe Scott Alliance Bail Bonds	Can we appoint at least 3 advocates throughout the State that can act in our behalf with DCJS when complaints are made against us?	Not Applicable – Concern could possibly be addressed under APA
	David Payne PBVA	There should be given consideration to the format of lists of bondsmen posted in jails throughout the state. DCJS may want to address uniform lists statewide or to just deal with individual counties where complaints are made and ask cooperation with that specific Sheriff or Jail Board	The agency is working with courts and jails in reference to jail lists. 9.1-185.17 requires DCJS to provide a list of licensed bondsmen to local and regional correctional facilities.
	Robert McMillan	Will DCJS have input as to how county and regional jails operate with regard to bail bondsman?	Not under our authority, will be happy to provide information upon request from jurisdiction
		Part I: Definitions	
6 VAC 20-250-10		Definitions	
6 VAC 20-250-10	David Payne PBVA	The definition of Agent can be made clearer and remain more consistent with the code. “Agent” means a person who is a licensed bail bondsman who has been given power of attorney to act on the behalf of a licensed Property Bail Bondsman.	Agree – with a slight modification.
6 VAC 20-250-10	David Payne PBVA	The definition of Property bail bondsman can be made clearer and remain more consistent with the code. “Property bail bondsman” means a person licensed pursuant to this article who, for compensation, enters into a bond or <u>does so through his agent, defined in this section, bonds for others, whether as a principal or surety, or otherwise and pledges real property...</u>	Requires legislative change.
6 VAC 20-250-10	Joe Scott/Wayne Renfrow VA Bondsman Assoc	We would like to see “performance of the terms and condition contained in the recognizance” stricken: <i>“Bond” means the posting by a person or his surety of a written promise to pay a specific sum, secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure performance of the terms and conditions contained in the recognizance.</i>	This is defined under Code § 2.2-2200
6 VAC 20-250-10	Joe Scott/Wayne Renfrow VA	Property bail bondsman definition – we would like to see performance of terms and condition specified by an order of an appropriate judicial officer as a condition of bail stricken	Would require legislative change. Defined under 9.1-185

	Bondsman Assoc		
6 VAC 20-250-10	James Dusky JB's Bail Bonds, Inc.	Define employee. The code makes several references to employee of a bondsman, or law enforcement employee. Are we using the IRS definition? Websters?	Are requesting guidance from the Attorney General's office.
6 VAC 20-250-10	Joe Scott Alliance Bail Bonds	Define "legitimate business". We need a definition from DCJS, which can include being there at the request of an attorney or family member who is unfamiliar with the system.	Are requesting guidance from the Attorney General's office.
		Part II: Fees	
6 VAC 20-250-20		Fees	
6 VAC 20-250-20	David Payne PBVA	Reduction of Fees for Agents of Property Bondsman. We feel that Agents fees should be considerably lower than that of Actual Property Bondsmen and Insurance Bondsmen. The initial fee structure was based on a much lower number of Property Bondsman when in fact the amount of actual licenses issue to Property Bondsman and Agents turned out to be about twice the initial estimates.	The agency has readjusted fees to include a category fee for property bail bondsman (principal and agent) as well as surety bail bondsman. Based on the costs of operating this program, the fees have been increased.
6 VAC 20-250-20B2	Joe Scott/Wayne Renfrow VA Bondsman Assoc	Administrative Process Act. Could you please give us an explanation of what that is?	This can be found under § 2.2-4000 et seq.
		Part III: Licensing Procedures and Requirements	
6 VAC 20-250-30		Bail Bondsman Eligibility	
6 VAC 20-250-30B	Steve Grobel	I suggest that the rules/application form inquire into outstanding forfeitures, whether bonding privileges have been revoked in the past, investigations by the SCC Bureau of Insurance (revocations/show cause hearing), bankruptcy filings and anything else that would reflect on character and "suitability." The point is we need to tighten up the entry requirements.	This is required through the application process.
6 VAC 20-250-30B	Anonymous	The bail industry would be a whole lot better if we got the felons out of the business totally. Felons are running bonding companies, negotiating with clients the only thing they are not engaging in is going into the Magistrates office and posing the bond.	This is already covered under the Code and regulations preventing unlicensed persons to act as an agent for a bondsman.

6 VAC 20-250-40		Initial Bondsman License Application	
6 VAC 20-250-40A4	Joe Scott/Wayne Renfrow VA Bondsman Assoc	“submit fingerprints to the Department pursuant to 6 VAC20-250-50” why can’t these be submitted electronically and still charge a fee. The fingerprints are always going to be the same.	The Department is researching other options. This is covered under 6 VAC 20-250-50 A1.
6 VAC 20-250-40B	David Payne PBVA Joe Scott/Wayne Renfrow VA Bondsman Assoc David Wayne Schneider	In this section you added the word “unencumbered”. This regulation is contrary to the state code and, therefore, is not authorized. The code does not require the property to be unencumbered it merely requires providing proof of “equity”. The word “unencumbered” – Does this mean the amount of equity you have in the property? Remove “unencumbered” and say proof of collateral. Section 250-40 B1c states that the amount of equity in the real estate and the amounts due under any obligations equals net equity.	Agree, the word unencumbered was added in the draft regulations and has been removed from the proposed document.
6 VAC 20-250-40B	David Payne PBVA	A separation between the licensure of Property Bondsmen and their Agents MUST be established.	The agency has established a separation between the categories of bondsman.
6 VAC 20-250-40B	David Payne PBVA	Consideration should be given to the adoption of an apprenticeship program.	The VA Crime Commission did a two year study and did not feel the necessity of an apprenticeship program. The agency believes that the training requirements are adequate to ensure preparation for working in the bonding industry.
6 VAC 20-250-40B2	Joe Scott/Wayne Renfrow VA Bondsman Assoc	Does a lien have to be placed on the CD or Cash Deposit in the same manner as real estate?	No, there is no requirement in the Code of Virginia.
6 VAC 20-250-40B4	Joe Scott/Wayne Renfrow VA Bondsman Assoc	What city would you have to file the Deed of Trust?	Addressed under 6 VAC 20-250-40C4. The Commonwealth Attorney of the affected locality is named as trustee.
6 VAC 20-250-40B4	David Payne	The requirement for deeds of trust would be required only when facts or history warrant, and then only in an amount which realistically approximates the potential bond loss.	Agree.
6 VAC 20-250-60		Applications Sanction/Denial, Probation, Suspension and Revocation	
6 VAC 20-250-60B	Joe Scott/Wayne Renfrow VA	If your license has been suspended in one city, does this preclude you from bonding anywhere in the Commonwealth?	If license is suspended from DCJS, the bondsman is not authorized to provide bonding in the Commonwealth.

	Bondsman Assoc		
6 VAC 20-250-80		Firearm Endorsement	
6 VAC 20-250-80B & C	Joe Scott/Wayne Renfrow VA Bondsman Assoc	We feel that the firearm endorsement should be extended to 24 months, the same as our license.	The Department is consistent with the requirement of a 12-month firearm endorsement with all regulatory programs. This is for the protection of the citizens of the Commonwealth
		Part IV: Compulsory Minimum Training Standards for Bondsmen	
6 VAC 20-250-120		Entry-level Training	
6 VAC 20-250-120	Clyde Sparks Busthead, Inc.	Bail Bondsmen should be required to receive additional training comparable to Bail Enforcement Agent Training.	Agree. Have increased training requirements from 24 hours to 40 hours.
6 VAC 20-250-120C1	David Payne PBVA	This section increases the Bail Bondsman Core Training to 40-Hours. The increase in core training subjects may be acceptable and may even improve the 25-Hour class because the current curriculum can be well covered in a 12-hour class. Increasing the class to 40-hours would only lead to increased fees and filler instruction. It may be helpful for the Department to poll a few bondsman and ask how much time during the 25 hour course was spent on training versus off topic filler stories and conversation.	Concur, the agency performs session audits as well as handles issues presented through the complaint process according to the APA.
6 VAC 20-250-170		Firearms (handgun/shotgun) retraining	
6 VAC 20-250-170	Joe Scott/Wayne Renfrow VA Bondsman Assoc	We feel that this should be extended to 24 months for requalification	The Department is consistent with the requirement of a 12-month firearm endorsement with all regulatory programs. This is for the protection of the citizens of the Commonwealth
6 VAC 20-250-180		Bail Bondsmen & Firearms training sessions	
6 VAC 20-250-180	Anonymous	There is a conflict of interest when current Bail Bondspersons or Bounty Hunters are the instructors for the courses their current competition (colleagues in some instances) must complete.	Instructors must meet specific criteria in order to provide training. In addition the department conducts session audits to ensure compliance.

		Part V: Recordkeeping Standards and Reporting Requirements	
6 VAC 20-250-200		Reporting Requirements	
6 VAC 20-250-200A2	Joe Scott/Wayne Renfrow VA Bondsman Assoc	Please clarify this whole statement. We are never involved in those circumstances: retain copies of all written representations made to any court or to any public official for the purpose of avoiding a forfeiture of bail. etc.	This is required under the code and is utilized for purposes of enforcement and ensuring compliance.
6 VAC 20-250-200A4	Joe Scott/Wayne Renfrow VA Bondsman Assoc	“Evidence of the return of any security...” we feel that a return receipt should be sufficient.	This would require legislative change.
6 VAC 20-250-210	Larry Chavis Anderson Bonding, Co.	Another real problem we think that all property bondsmen face is the monthly reports to DCJS.	This is required under Code Section 9.1-185
6 VAC 20-250-210B	Joe Scott/Wayne Renfrow VA Bondsman Assoc	“Each licensed bail bondsman...” Change the word “convicted of a felony to “charged with a felony”.	Agree, have incorporated into the regulations.
6 VAC 20-250-210B	Robert Tortolani DCJS	“Upon request of the Department, a bail bondsman shall provide any documents required to be kept pursuant to this section” Where does it say they need to keep indemnator agreement. Bail pieces. Are we going to require them to give written receipts for payment? If not in here how are we going to enforce?	Agree, additional requirements have been added to the regulation under 6 VAC 20-250-220.
6 VAC 20-250-210C	Joe Scott/Wayne Renfrow VA Bondsman Assoc	Where are you going with this? <i>Requirement to report within 30 days of the final disposition, of the matter any administrative action has been taken.</i>	Required according to Code 9.1-185. For purposes of Compliance/Enforcement
6 VAC 20-250-210G	Joe Scott/Wayne Renfrow VA Bondsman Assoc	“Each licensed agent bail bondsman shall report to the Department any change in his “employment” within seven days of such change.” What are you referring to as his “employment”? Are you referring to his leaving the bail bonding business to pursue something else or possible the fact that the general agent is changing surety companies? Please clarify.	Both situations are referenced under the regulations under 6 VAC 20-250-230 E for property and I for surety.
6 VAC 20-250-210E	David Payne PBVA	This section states that each Property Bondsman shall submit to the Department, in a format approved by the department, no later than the fifth day of each month. This section should be amended to allow reports to be submitted or postmarked by the fifth day of each month. This section should be amended to allow for the mail, as most bondsmen need more than a day or two to compile their reports.	The code/reg already allows for a postmark date of the 5 th . The agency interprets submittal to mean mailing. The report must be postmarked by the 5 th or delivered in person by the 5 th .

6 VAC 20-250-210E	David Payne PBVA	The information required by the form that you are prescribing is excessive. The information that you are requesting will create an unnecessary burden on Property Bondsman and the Clerks that we communicate with daily.	This information is required for purposes of compliance/enforcement
6 VAC 20-250-210E	David Payne PBVA	While DCJS has duties assigned to it, we are advised that when the Code specifically address an issue, it is controlling. The Virginia code requires “a list of outstanding bonds”. There is no code section that requires bondsman to include closed cases.	This information is required for purposes of compliance/enforcement
6 VAC 20-250-210E	David Payne PBVA	Monthly forms: Agents as mentioned in the code.. must hold a Bail Bondsman License in order to do business in the commonwealth, but they are not be held to the same standards as Property Bondsman as they do not “enter into bonds”. The Property Bondsman through the Agent enters into the bonds and Agents do not “pledge real property”. The Property Bail Bondsman pledges property.	They are both defined by code as “property bail bondsman.” The agency is looking at options to streamline the monthly reporting processes.
6 VAC 20-250-210 E	Robert McMillan	Will DCJS have a running total of active bonds written for an individual bondsman?	This is currently being collected for property bondsmen through the monthly reporting requirement.
		Part VI: Administrative Requirements/Standards of Conduct	
6 VAC 20-250-230		Professional conduct standards; grounds for disciplinary actions	
6 VAC 20-250-230	James Dusky JB's Bail Bonds, Inc.	If I, as a bondsman, am involved in the initial arrest, I can't rebond the defendant. What if I have a bail piece that another bondsman gave me to arrest someone, I was involved with the arrest (I was acting as a bail recovery agent), can the other bondsman who signed and gave me the bail piece re-bond the person? How does the magistrate know who made the arrest? What if the person is already in jail and I turn in a bail piece, I didn't arrest him as he was already in custody. Can I re-bond him? Does initial arrest mean when the officer arrested him, not the bondsman's re-arrest? That section is very vague and the powers that be are tuning it to fit their needs, or harass bondsmen.	Agree, the department added an additional restriction in the draft regulations, which has been removed from the proposed document.
6 VAC 20-250-230	Larry Chavis Anderson Bonding Co.	We should be able to have outstanding bonds in twice the amount of collateral pledged to the state.	Would require legislative change.
6 VAC 20-250-230	Joe Scott Alliance Bail Bonds	Can DCJS intervene on our behalf when magistrates assume the right to interpret code section 9.1-185 regarding bondsmen being involved in initial arrest. Code does not read that “serving a bail piece” is involvement in initial arrest.	The Department continues to provide information in reference to the Code and Regulations to all jurisdictions. We do not have authority over the magistrates.
6 VAC 20-250-230	David Payne PBVA	There needs to be a clear procedure for the payment of forfeitures by insurance bondsmen.	Agreed, has been added into the regulation

6 VAC 20-250-230A	Joe Scott/Wayne Renfrow VA Bondsman Assoc	The last sentence of the page – “Violations by a bondsman’s employee, partner, or agent may be...”. We would like to add “upon knowledge” “grounds for disciplinary action...”	This would be addressed during the adjudication of a compliant.
6 VAC 20-250-230B11	Joe Scott/Wayne Renfrow VA Bondsman Assoc	We would like this changed to “Provide bail for any person if the bondsman was initially involved in the “original” arrest of that person.	Would require legislative change.
6 VAC 20-250-230B11&12	David Payne PBVA	There are several circumstances that would require bondsman to re-instate bonds. A few examples are: A. If a cosigner wants off of the bond for any reason and the bondsman is able to secure another good cosigner after the surrender. or, B. if a defendant wanted to turn himself in on a bench warrant and we needed signed documentation to present to the court of our compliance with the code to avoid a bond forfeiture, once that defendant is surrendered, and if he was cooperative, it should be an option for the bondsman to reinstate the bond.	An additional restriction was placed in the draft regulations and has been removed from the proposed document.
6 VAC 20-250-230B11&12	David Payne PBVA	It may be acceptable to add to the regulations that a bondsman may not charge the defendant the full premium for the same bond twice. It may also be an option to state that the bondsman may only charge an administrative or posting fee if he is providing bail for the same charge with the same bond amount.	An additional restriction was placed in the draft regulations and has been removed from the proposed document.
6 VAC 20-250-230B12	Joe Scott/Wayne Renfrow VA Bondsman Assoc	Omit the entire line.	An additional restriction was placed in the draft regulations and has been removed from the proposed document.
6 VAC 20-250-230 B 12	Aaron J. Weese Custom Bail Bonds	Provide bail for the same charge on a person who the bondman issued a surety bail piece. This regulation may prove to be increasingly effective if certain situations where a bondsman must issue a surety bail piece are addressed and where rewriting the bond is permissible.	An additional restriction was placed in the draft regulations and has been removed from the proposed document.
6 VAC 20-250-230 B 12	Aaron J. Weese Custom Bail Bonds	If the indemnitor on the bond requests to be released from liability on the bond and the defendant cannot immediately secure another indemnitor thus requiring the Bondsman to return the defendant to custody. However the defendant is eventually able to secure replacement indemnitor(s) within a prescribed amount of time (72-96 hours). Possible options to enforce this scenario would be to require documentation from the indemnitor stating in writing their desire to be released from any and all liability arising from the bond, and be retained in the defendants file subject to the same document retention and reporting requirements as all other written documentation.	An additional restriction was placed in the draft regulations and has been removed from the proposed document.

6 VAC 20-250-230 B 12	Aaron J. Weese Custom Bail Bonds	If the defendant through no ill intention of his or her own fails to appear for a required court appearance and upon discovery (through either service of a summons, or communication from the bondsman) of the failure to appear turns him or herself in to the applicable court or judicial authority within an acceptable time period (<36 hours), and in the event that a new bond is set and the bondman determines that the risk on the bond is not increased the bond may be rewritten. Possible reasons could include: improper legal advice, medical issues, and death in the immediate family, military service, or non-service of summons. Situations where a rewrite bond may not be permissible in this scenario would be if arrest of the defendant were necessary either by the bondsman or Law Enforcement.	An additional restriction was placed in the draft regulations and has been removed from the proposed document.
6 VAC 20-250-230	Robert Tortolani DCJS	ADD A bail bondsman can have more than one indemnator but cannot go over the aggregated amount of a bond.	This would be handled through an investigation or audit by the Department.
6 VAC 20-250-230K	Joe Scott/Wayne Renfrow VA Bondsman Assoc	We would like "in writing" to be omitted in that line.	Required pursuant to 9.1-185. Utilized for purposes of compliance/enforcement.
6 VAC 20-250-230K	David Payne PBVA	"bondman shall disclose in writing to the indemnator if the bondsman has knowledge that the bailee is being held in multiple jurisdiction". I assume what is meant to be said is "if the bondman agrees to enter into a bond for an inmate and is aware that the bailee has charges pending in multiple jurisdictions, then he must disclose this information to the indemnator" This will create an additional burden to the bondsman but may help clarify the situation to some indemnators who do not understand the process.	Comment only.
6 VAC 20-250-240		Solicitation of business; standards; restrictions and requirements	
6 VAC 20-250-240	Anonymous	No more going to Court for arraignments then running down to the jail to pull everybody.	There is no restriction from going to the Court arraignments. There are specific restrictions and requirements in reference to solicitation under 6 VAC 20-250-260. In addition, it is a violation to loiter by any jail or magistrate's office unless there on legitimate business pursuant to 6 VAC 20-250-260.
6 VAC 20-250-240	Anonymous	No more ads, some bonding co's have 4-5 ads and the clients are calling the same person/company they are just working different w/ diff #'s and company names.	Does not fall under our authority unless being done on government property
6 VAC 20-250-240	Anonymous	No more hanging out in jail lobbies soliciting	Solicitation is restricted per the Code and regulations.

6 VAC 20-250-240	Joe Scott Alliance Bail Bonds	We have great concerns about being placed in a “holding – out of sight of the public” section while waiting for a defendant to be released.	There is no requirement to be out of sight of the public. As long as the bail bondsman is not in violation of solicitation or loitering restrictions.
6 VAC 20-250-240	David Payne PBVA	Detailed solicitation violations need to be added to the regulations covering the wide spectrum of known facts and methods used by bondsmen throughout the state.	Agree – added to the regulations.
6 VAC 20-250-240	David Payne PBVA	A licensed bail bondsman shall not communicate with any inmate held in any court, jail, or lock-up or surrounding government property, whether personally approached by that prisoner or not, in any way unless first contacted by such prisoner by telephone or through someone else requesting services, other than another inmate.	Agree – added to the regulations.
6 VAC 20-250-240	David Payne PBVA	A licensed bail bondsman shall not communicate with any inmate without first notifying the sheriff or jailor of their intent to communicate with such inmate.	Agree-added to the regulations.
6 VAC 20-250-240	David Payne PBVA	A licensed bail bondsman shall not hand out more than one business card to any one inmate.	Agree – added to the regulations.
6 VAC 20-250-240	David Payne PBVA	A licensed bail bondsman shall not have any prisoner or any other non-licensed individual soliciting business on your behalf.	Agree- added to the regulations.
6 VAC 20-250-240B2	David Payne PBVA	This section conflicts with 6VAC20-250-240B5. In the last meeting that we had to discuss what should be impermissible solicitation we thought the conclusion was that Bondsman should not be allowed to hand anything to any prisoner at anytime while they were in custody. One card may be deemed acceptable and appropriate to most bondsmen but the concerns that were brought up in the last meeting remain valid.	Disagree.
6 VAC 20-250-250		Recovery of bailees; methods of capture; standards and requirements; limitations	
6 VAC 20-250-250	Anonymous	Currently, getting a bail piece from Circuit Court after business hours, on a weekend or on a holiday is not possible. This is not always in the best interest of the parties involved because this can delay or prevent the retrieval and return of a defendant or fugitive. It would be expedient if we could obtain bail pieces from a jail in the instance the Circuit Court is closed. Your office would need to develop a form that is only for use in these circumstances.	Not within our authority.
6 VAC 20-250-250	Anonymous	Bondspersons need to be able to forfeit a bond when he/she deems it necessary, i.e. Co-signor wants to relinquish his/her responsibility for the Defendants’ bond contract or if the Defendant has not kept the terms of his release.	No Comment

6 VAC 20-250-250	Anonymous	Surety is only for appearance bonds – not performance bonds. Bondspersons cannot be expected to police the Defendants if law enforcement can't do it. Bondspersons have limited resources they can access when police departments have a multitude of resources, manpower and organizations they can utilize to return a Defendant to jail. Bondspersons are one of those resources, but we shouldn't be thought of as the only resource for returning Defendants.	No Comment
6 VAC 20-250-250	Anonymous	The Defendants need to be made more aware the expectations they must meet between being bonded out of jail and appearing for court dates. At present, the general consensus seem to believe they can live their life by their own terms between being bonded out of jail and appearing for their court date. Sometimes the "terms" they set for themselves in their mind may include returning to a life of violent crime or addiction.	Not applicable to the regulations.
6 VAC 20-250-250	Anonymous	The new regulations hamper the process when sureties need to pursue a defendant for return to jail. These delays are precious time wasted in returning defendants or fugitives.	No Comment.
6 VAC 20-250-250	Anonymous	There should be an exemption to Virginia's stalking law for Bondsperson and Bail Enforcement agents.	Would require legislative change.
6 VAC 20-250-250	Robert Tortolani DCJS	ADD: On a bailpiece the bail bondsmen must indicate why he is returning the defendant to jail.	This will be addressed under the record keeping requirements of the regulations.
6 VAC 20-250-270		Uniforms and identification; standards and restrictions	
6 VAC 20-250-270	Joe Scott Alliance Bail Bonds	Has any final decision been made regarding permissible nametags or badges?	Yes 3X5 outerwear as well as DCJS license being visible.
6 VAC 20-250-270	David Payne PBVA	A licensed bail bondsman shall not display any information in any court, jail or lock-up or surrounding government property that has not been specifically approved by DCJS. Allow ONLY the issued DCJS license to be displayed. Such license shall not be altered in any way.	DCJS is allowing name/business no larger then 3X5 on outerwear.
6 VAC 20-250-270	David J. Exum David Exum Bail Bonds	I disagree with the limitations of advertising. Advertising is not solicitation. All business should be free to advertise their products, especially in areas where their product is needed. To prohibit advertising on caps, jackets, briefcases, etc worn or in the possession of the Bail Agent (meaning not lying around unattended in or about the courts or magistrates office) is such a Gestapo type of restriction that it will negatively impact our business. Ads and gimmicks sell. They are not solicitations. I do not approach people and ask for their business. There is nothing illegal, immoral or	Limited on Government property.

		unethical about my source of advertising. Please do not take that freedom away.	
6 VAC 20-250-270A2	Joe Scott/Wayne Renfrow VA Bondsman Assoc	"A bail bondsman may display only his name...we would like to have added "or hat".	Disagree. The Department feels that the DCJS license and the displaying of name and business no larger than 3x5 is sufficient.
6 VAC 20-250-270A2	David Payne PBVA	This section states that bondsman may display an insignia or emblem no larger than 3 x 5 inches. This is another issue that was brought up in the last meeting, when it was thought we all agreed that this should not be allowed. This provision as written will continue the circus type atmosphere of tackling and we will breed more problems and complaints in the more congested areas of Virginia.	Disagree. The Department feels that the DCJS license and the displaying of name and business no larger than 3x5 is appropriate. The committee was established to make recommendations to the department. 100% consensus was not reached by all members.
		Part VII: Complaints, Department Actions, Adjudication	
6 VAC 20-250-10		Disciplinary action; sanctions; publication of records	
6 VAC 20-250-280B2	Joe Scott/Wayne Renfrow VA Bondsman Assoc	"In writing, "submitted anonymously" changed to "submitted in writing". We would like "anonymously" omitted.	This requirement is pursuant to the Administrative Process Act.
		Part VII: Complaints, Department Actions, Adjudication	
6 VAC 20-250-10		Disciplinary action; sanctions; publication of records	
6 VAC 20-250-300	Joe Scott Alliance Bail Bonds	Have DCJS publish problems found during investigations of complaints against bondsmen; i.e., contracts not completely filled out, unapproved forms, receipts, badges, or solicitation, etc.	This is public information, available upon request.